

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 GREGORY TIIFT,

14 Defendant.

CASE NO. CR20-0168-JCC

ORDER

15 This matter comes before the Court on Defendant's *ex parte* offer of proof regarding  
16 testimony he intends to solicit from witnesses he subpoenaed for the September 5, 2023 trial  
17 (Dkt. No. 254). After reviewing the submission, the Court ORDERS as follows:

18 • Defendant failed to provide offers of proof for Witnesses 23, 32, 33, 34, 35, 36.<sup>1</sup>  
19 Defendant SHALL provide the Court with an *ex parte* offer of proof for these witnesses  
20 no later than August 31, 2023.  
21 • Witnesses 1, 2, 3, 4, 5, 6, 7, 11, 12,<sup>2</sup> 15, 16, 18, 19, 20, 21, 26, 27, and 29 appear to be  
22 law enforcement personnel. It is not entirely clear whether Defendant intends to seek fact  
23 or opinion testimony from each. Regardless, to the extent the testimony, whether it be  
24 fact or opinion, is duplicative of another witness, the Court FINDS it unnecessarily

25 <sup>1</sup> Numbers referenced herein are those Defendant used on his offer of proof (Dkt. No. 254).

26 <sup>2</sup> This appears to be a duplicate of Witness 28.

1 duplicative and EXCLUDES that testimony pursuant to Federal Rule of Evidence 403.

2 Defendant SHALL advise the Court no later than the morning prior to commencing trial,  
3 which of these witnesses he will seek testimony from, in light of the ruling above.

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- 5 Based on submission by counsel, (see Dkt. No. 256), the Court understands Witness 31  
6 intends to invoke their Fifth Amendment privilege. Accordingly, Defendant SHALL  
7 advise the Court no later than the morning prior to trial whether he still intends to call this  
witness.
- 8 Finally, Defendant's offer of proof fails to demonstrate the relevance, pursuant to Federal  
9 Rule of Evidence 401, of the testimony he seeks to elicit from witness number 41. Absent  
10 an additional offer of proof, the Court will not allow testimony from this witness to be  
11 presented to a jury.

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13 It is so ORDERED this 29th of August 2023.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE